

THE HON' BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.167 OF 2017

ORDER:

This revision is filed by the petitioner/ plaintiff, aggrieved by the order dated 19.12.2016 in I.A.No.1006 of 2016 in O.S.No.25 of 2015 passed by the learned II Additional District Judge, Warangal.

2. Pursuant the endorsement of this Court dated 21.08.2017, but for, respondent No.4, others service held sufficient and even notice of respondent No.4 unserved is also a sufficient service.

3. Heard the learned counsel for the petitioner/ plaintiff, on the application to deposit rents, which is squarely covered by the Andhra Pradesh Amendment to C.P.C. under Order XV-A, in a pending suit even for an eviction against the tenant and other persons inducted by the tenant, leave about other persons/ defendants 1 to 4 are shown the children of the plaintiff with the allegation of defendant Nos.5 and 6 tenants of the premises inducted them or allowed them occupation in claiming rent against them, that was allowed with a direction to deposit. Remedy could have been sought by the plaintiff by filing application to strike off the defence of the defendants pursuant to that order to deposit the rents and not for arrest.

4. Having regard to the above, the impugned order is to be set aside and the petition is to be closed by disposal of the revision to that extent by giving liberty to the petitioner/ plaintiff without prejudice to the observations in the impugned order to take her recourse for implementation of the said order.

5. Accordingly, the Civil Revision Petition is disposed of.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

Date: 29.11.2017  
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DR. B. SIVA SANKARA RAO, J

